

REMARKS

Claims 9-21 are currently pending. Claims 1-8 have been cancelled. No new matter has been added.

Rejections under 35 U.S.C. § 102

Claims 9, 13, 14, and 17-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 2005/008305 to Brown et al (“Brown”). Applicants submit these rejections should be withdrawn.

Claim 9 recites in part an inner layer “having a lubricous component for decreasing *friction against the optical fiber unit.*” In contrast, Examiner cites paragraphs 9-11 of Brown as disclosing an inner layer having a lubricous component for decreasing friction against the optical fiber unit. (Page 2 Office Action). Paragraphs 9-11 discloses a “lubricating layer” that *surrounds* the first layer, (*see* Brown at [0009]), that encloses the tubes, (*see id.* at [0008]). Since the optical fiber is placed *in the tubes*, (*see id.* at [0004] last sentence), the lubricating layer does not contact the optical fiber, and the lubricating layer does not decrease the friction against the optical fiber. Thus, paragraphs 9-11 of Brown do not disclose “a lubricous component for decreasing *friction against the optical fiber unit.*”

Furthermore, Brown does not disclose an inner layer “*having a lubricous component,*” as claim 9 requires. The lubricating layer, (*see id.* at [0009]), and the co-extruded lining, (*see id.* at [0028]), are layers distinct from the tube and are not components of the tube itself. In the current application, the lubricous component is a component of the inner layer. For example, the specification discloses that the inner layer is preferably made of polymer *having a lubricous component.* (*See* US Published Application 2007/0098340 [0025]). Thus, Brown does not disclose an inner layer “*having a lubricous component* for decreasing friction against the optical fiber unit.”

Furthermore, claim 9 recites a sheath “made of polymer with a *lower coefficient of friction than polyethylene* in order to decrease friction.” In contrast, Brown discloses that the sheath is manufactured from *polyethylene*. (*See* Brown at [0003], [0028] and claim 18). Thus, Brown fails to disclose a sheath “made of polymer with a *lower coefficient of friction than polyethylene.*”

As Brown fails to disclose each and every element of claim 9, Applicants respectfully submit that the rejection of claim 9 should be withdrawn. As claims 13, 14, 17-19 depend on claim 9, Applicants respectfully submit that the rejections of the these claims should be withdrawn as well.

Claim 20 recites in part “a single layer made *of polymer having a lower coefficient of friction than polyethylene* so as to decrease friction against the optical fiber unit...” In contrast, Brown discloses that the tubes 3 are formed from polyethylene. (See [0028] lines 4-9). As Brown fails to disclose “a single layer made *of polymer having a lower coefficient of friction than polyethylene*,” Applicants respectfully submit that the rejection of claim 20 should be withdrawn.

Rejections under 35 U.S.C. § 103

Dependent claims 10, 12, 15, 16 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of US 2003/0123824 to Takarta et al (“Takarta”). The dependent claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Takarta and further in view of US 6,370,303 to Fritz et al. (“Fritz”). As discussed above, Brown fails to disclose each and every element of the independent claim 9, upon which claims 10, 11, 12, 15 and 16 depend. As claims 10, 11, 12, 15 and 16 are dependent claims of the independent claim 9, the rejections of these dependent claims should be withdrawn for at least this reason.

As discussed above, Brown also fails to disclose each and every element of the independent claim 20, upon which claim 21 depends. As claim 21 is a dependent claim of the independent claim 20, the rejection of claim 21 should be withdrawn for at least this reason.

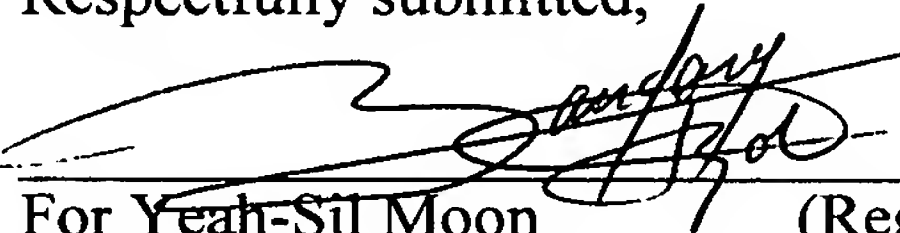
CONCLUSION

In view of the above, Applicants respectfully submit that claims 9-21 are in condition for allowance. Should the Examiner not agree with Applicants' positions, a personal or telephonic interview is respectfully requested to discuss any remaining issues.

No fee is believed to be due for this response. Please charge any fee(s) that may be due or credit any overpayment to Jones Day Deposit Account No. 503013.

Respectfully submitted,

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